

REMARKS

Applicants have carefully considered the May 25, 2007 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance.

In response to the Office Action dated May 25, 2007, claims 2, 3, 8 and 15 have been canceled and claims 1, 4, 9, 10, 11, 12, 13, 16, 18, 22, 23, 24, 25, 26 and 27 have been amended.

Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Initially, Applicants respectfully request consideration of the Japanese Office action cited on the PTO-1449 with the IDS filed on March 5, 2007. As indicated in the IDS and acknowledged on the attached stamped postcard, a copy of the Japanese Office action was submitted and received by the USPTO on March 5, 2007. A courtesy copy of the office action and its English translation are attached hereto. The Examiner is requested to forward Applicants a complete initialed copy of the PTO-1449 with the next Office communication.

The minor informalities identified by the Examiner at page 9 of the Office action have been addressed with the foregoing amendments to claims 1 and 4.

Claims 4 and 25-27 were rejected under the second paragraph of 35 U.S.C. § 112. With regard to claim 4, Applicants have removed the term "heavy". Claims 25-27 have been amended in accordance with the Examiner's helpful suggestions. Accordingly, one having ordinary skill in the art would not have difficulty understanding the scope of the presently claimed invention,

particularly when reasonably interpreted in light of the supporting specification. Therefore, it is respectfully submitted that the imposed rejection under 35 U.S.C. § 112, second paragraph is not legally viable and hence, Applicants solicit withdrawal thereof.

Claims 1-4, 12, 15, 16, 18 and 21-27 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Mishima et al. (U.S. Pat. App. Pub. No. 2001/0053462, hereinafter "Mishima"). In the statement of the § 102(b) rejection, the Examiner referred to Examples 1-4 of Mishima, asserting the disclosure of a light emitting device corresponding to that defined in independent claim 1. Claims 1-4, 7-16 and 18-27 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Mishima. Applicants traverse the rejections in view of the following.

The light emitting device of Example 3 of Mishima includes on an anode, a hole transporting layer, a first light emitting layer, a second light emitting layer, a third light emitting layer, an electron transporting material, an electron transporting layer and a cathode in this order. The first light emitting layer includes 1-[3, 5-di(1-pyrenyl)-phenyl]-pyrene as a blue light emitting material, the second light emitting layer includes a host material of 4, 4'-N, N'-dicarbazolebiphenyl and tris(2-phenylpyridine) iridium complex as a green light emitting material, and the third light emitting layer includes 4, 4'-N, N'-dicarbazolebiphenyl as a host material and rubrene as a red light emitting material. See paragraphs [0059] to [0067].

There are significant differences between the claimed subject matter and device disclosed by Mishima that would preclude the factual determination that Mishima identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. Independent claims 1, 13, 18 and 23 are pending. Amended independent claim 1 (which includes the subject matter of claims 1, 2, 3, and 8) provides the effect as recited in page 6, line 15 to page 7, line 6 of the specification. Amended independent claim 13 (which includes the subject matter of claims 1, 2, and 13) provides the effect as recited in page 9, lines 2 to 8 of the specification. Amended independent

claim 18 (which includes the subject matter of claims 1, 2, 3, 15 and 18) provides the effect as described in page 11, lines 4 to 16 of the specification. Further, amended independent claim 23 (which includes the subject matter of claims 1, 2, 3, 15 and 23) provides the effect as described in page 13, lines 11 to 17 of the specification.

The rejection under 35 U.S.C. § 103(a) predicated upon Mishima is not legally viable for the reasons advocated above. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are solicited. Further, if any independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

Application No.: 10/809,804

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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